

AMENDED IN ASSEMBLY MAY 30, 2012

AMENDED IN ASSEMBLY MAY 7, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1875

**Introduced by Assembly Member Gatto
(Coauthor: Assembly Member Ammiano)**

February 22, 2012

An act to add Section 2025.290 to the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL’S DIGEST

AB 1875, as amended, Gatto. Civil procedure: depositions.

Existing law authorizes the use of depositions in discovery in civil actions. Any party to a civil action may take an oral deposition of any person, including other parties to the action, following service of a deposition notice notifying the deponent of the date, location, and time of the deposition, as well as any materials to be produced by the deponent.

This bill would limit a deposition of any person to one day of 7 hours ~~or to no more than 7 hours over 2 or more days if a witness is ill or over 65 years of age~~, except as specified. Under the bill, the court would be required to allow additional time if necessary to fairly examine the deponent. The court would also be required to allow additional time if the deponent, another person, or any other circumstance impedes or delays the examination.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2025.290 is added to the Code of Civil Procedure, to read:

2025.290. (a) Except as provided in subdivision (b), or as ordered by the court, a deposition is limited to one day of seven hours ~~or no more than seven hours over two or more days if a witness is ill or is over 65 years of age~~. The court shall allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

(b) This section shall not apply ~~if the parties have stipulated that this section will not apply to a specific deposition or to the entire proceeding~~; *under any of the following circumstances:*

(1) *If the parties have stipulated that this section will not apply to a specific deposition or to the entire proceeding.*

(2) *To any deposition of a witness designated as an expert pursuant to Sections 2034.210 to 2034.310, inclusive.*

(3) *To any case designated as complex by the court pursuant to Rule 3.400 of the California Rules of Court, if that case has more than five defendants.*